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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, PABLO N	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,234	PINCUS, DAVID	
	Examiner	Art Unit	
	Pablo N Tran	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) *13-17 and 24-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,18-23 and 34-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wood, Jr. et al.* (5,894,266).

As per claim 1, *Wood, Jr. et al.* disclose wireless communication system having a programmable interface (fig. 1/no. 14, fig. 5, col. 1/ln. 64-col. 3/ln. 10, col. 9/ln. 33-37) operable to communicate data from a device to a transmitter in accordance with a communication protocol and a programming system (fig. 1/no. 10) selectively coupleable to the interface to enable a wireless communication system user to program the interface to communicate with any one of a plurality of devices using different communication protocols (col. 7/ln. 42-64) to communicate data.

As per claim 2, *Wood, Jr. et al.* disclose the interface is operable to be programmed to communicate with a first device using a first communication protocol and then to be re-programmed to communicate with a second device using a second communication protocol (col. 7/ln. 42-64, col. 9/ln. 33-50).

As per claim 3, *Wood, Jr. et al.* disclose the programming system comprises

a computer system that enables a user to direct the selection of programming provided to the interface (col. 7/ln. 42-64, col. 9/ln. 33-50).

As per claim 4, *Wood, Jr. et al.* disclose the programming system comprises a database of devices and programming to enable the interface to communicate with a device (col. 2/ln. 15-29).

As per claim 5, *Wood, Jr. et al.* disclose the interface comprises a first electrical connector configured for mating engagement with an external electrical connector selectively coupleable to the programming system (col. 5/ln. 29-42).

As per claim 6, *Wood, Jr. et al.* disclose the transmitter comprises a transponder (fig. 5-6) operable to receive a first signal at a first frequency and to transmit a second signal at a second frequency (col. 7/ln.30-41, col. 11/ln. 37-51).

As per claim 7, *Wood, Jr. et al.* disclose the interface comprises a second electrical connector configured for mating engagement with the transmitter (fig. 5-6, col. 5/ln. 29-43).

As per claim 8, *Wood, Jr. et al.* disclose a cell controller and an antenna coupled to the cell controller, wherein the antenna is operable to transmit a first signal to the transmitter and to receive a second signal from the transmitter (fig. 4, col. 5/ln. 44-65).

As per claim 9, *Wood, Jr. et al.* disclose the interface comprises memory to store the programming provided by the programming system (fig. 5/no. 62).

As per claim 10, *Wood, Jr. et al.* disclose the interface further comprises a processor coupled to the device and to memory, wherein the processor executes the

programming stored in memory to communicate device data to the transmitter (fig. 5/no. 60).

As per claim 11, *Wood, Jr. et al.* disclose the cell controller (fig. 4/no. 52) is coupled to an information system (fig. 4/no. 10).

As per claims 12 and 23, *Wood, Jr. et al.* disclose the interface and the transmitter are housed within a single housing (fig. 5).

As per claim 18, *Wood, Jr. et al.* disclose a cell controller (fig. 4/ln. 52, col. 5/ln. 29-col. 6/ln. 12) and a plurality of antennas electrically coupled to the cell controller and each antenna being operable to transmit a first signal and to receive a second signal, a transmitter (fig. 5) operable to receive the first signal and to transmit the second signal, and an interface (fig. 4/no. 14) electrically coupled between an asset (abstract, col. 1/ln. 32-45) and a transmitter to communicate asset data to the transmitter for transmission as a portion of the second signal, wherein the interface is programmable by a wireless communication system user to enable the interface to communicate with an asset and a transmitter using different communication protocols (col. 7/ln. 42-64).

As per claim 19, *Wood, Jr. et al.* disclose a programming unit (fig. 1/no. 10) operable to program the interface to communicate using a selected communication protocol.

As per claim 20, *Wood, Jr. et al.* disclose the communication protocol is selected by selecting a desired asset to communicate with the interface (col. 7/ln.30-41, col. 11/ln. 37-51).

As per claim 21, *Wood, Jr. et al.* disclose the asset data is an operating parameter of the asset (abstract, col. 1/ln. 32-45).

As per claim 22, *Wood, Jr. et al.* disclose the operating parameter is the operating status of the asset (abstract, col. 1/ln. 32-45).

As per claim 23, *Wood, Jr. et al.* disclose the transmitter and interface are integrated into a single unit (fig. 5).

Claim Rejections - 35 USC § 103

3. Claims 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wood, Jr. et al.* (5,894,266) in view of *Fernandez et al.* (2002/0057340A1).

As per claims 34 and 36-38, as stated above in claim 1, *Wood, Jr. et al.* further disclose that the programmable interface communicate with a plurality of devices (col. 5/ln. 10-17) but not explicitly medical devices (such as wheel chair, heart monitor, or imaging station). However, such is well known in the art, as suggested by *Fernandez et al.* (fig. 1, paragraph 0024, 0032-0033). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method, as suggested by *Fernandez et al.*, to the remote monitoring system of *Wood, Jr. et al.* in order to provide the hospital physicians with the most current and updated analysis and diagnosis.

As per claim 35, *Wood, Jr. et al.* disclosed the claim limitation as stated above in claim 3.

As per claim 39, *Wood, Jr. et al.* disclosed the plurality of devices are associate with at least two manufacturers (col. 5/ln. 10-17, col. 5/ln. 60-65).

As per claim 40, *Wood, Jr. et al.* disclosed such selection of the programmable interface (col. 3/ln. 45-49) but not explicitly by the operator. However, it would have been obvious to one of ordinary skill in the art that such selection process of the programmable interface would require the operators inputs in order to select the appropriate interface to be program, so that the programmable interface can effectively and efficiently communicated with the plurality of devices.

As per claims 41-42, as stated above in claim 18, *Wood, Jr. et al.* further disclose that the programmable interface communicate with a plurality of devices (col. 5/ln. 10-17) but not explicitly medical devices (such as wheel chair, heart monitor, or imaging station). However, such is well known in the art, as suggested by *Fernandez et al.* (fig. 1, paragraph 0024, 0032-0033). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method, as suggested by *Fernandez et al.*, to the remote monitoring system of *Wood, Jr. et al.* in order to provide the hospital physicians with the most current and updated analysis and diagnosis.

Response to Arguments

4. Applicant's arguments filed 01/21/05 have been fully considered but they are not persuasive.

The Applicant's stated that "Wood reference does not disclose a programming system selectively couple able to the interface to enable a wireless communication system user to program the interface to communicate with any one of a plurality of devices using different communication protocols to communicate data, wherein Wood

reference does not even remotely suggests the use of different protocols for interfacing the remote intelligent communication device (14) with any of a plurality of devices". In response to the Applicant's remark, Wood reference teaches a programming system (fig. 1/no. 10) selectively couple able to the interface (fig. 1/no. 14) through the interrogator (fig. 1/no. 12), wherein Wood reference further suggests such various communication protocols for interfacing the remote intelligent communication device (14) with any of a plurality of devices, such communication protocols include RF (fig. 5/no. 64), modem (fig. 5/no. 54), digital I/O ports (fig. 6/no. 88 & 94), and analog I/O port (fig. 6/no. 90 & 92) can be enabling and configured based upon the received configuration data.

5. Applicant's Arguments with respect to the newly added claims 34-42 have been considered but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kail, IV (5,959,529) discloses re-programmable remote sensor monitoring communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

June 8, 2005

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